(b) if so, the details including the proposed location for above;

(c) whether the joint survey conducted by Coast Guard and officers of Government of Kerala had identified suitable land at Kannur district of Kerala;

(d) if so, whether the Competent Authority of Kerala had submitted representations after October 2006, to establish above academy in Kerala; and

(e) if so, the action taken in detail regarding the proposal of above joint survey and the submission of Govemment of Kerala?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIMATI V. RADHIKA SELVI): (a) and (b) No, Sir. However, a Committee has been constituted with Bureau of Police Research and Development (BPR&D) in the lead role to prepare a concept paper and to decide parameters for setting up of training institute for marine police personnel. No location has been identified yet.

(c) to (e) Government of Kerala has been informed that the proposal of Marine Police Training Institute is still at a conceptual stage and hence the proposal of the State Government to establish Training Institute for marine personnel at Kannur district will be considered at appropriate stage.

Extension to Librahan Commission

1740. SHRI SHAHID SIDDIQUI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that another extension is being granted to Librahan Commission;

(b) if so, for what period;

(c) how many extensions have been granted to it since its formation; and

(d) what is the total cost of this Commission on exchequers?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): (a) and (b) No, Sir. According to the Commission of Inquiry the report is expected to be submitted to the Government within its present extended tenure, *i.e.* up to 31st August, 2007.

(c) The Government had extended the tenure of the Commission on 40 occasions since its appointment.

(d) An Expenditure of Rs.717.66 lakh has been incurred on the Commission till 31st July, 2007.

Poor conviction rate

1741. SHRI VIJAY J. DARDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of poor conviction rate leading to the obvious conclusion that the prosecution system is in shambles;

(b) whether this situation has further eroded public faith in police due to large pendency in police investigation of registered crimes and a significant number of investigations not resulting in charge-sheets; and

(c) whether Government are considering separating law and order with which police claims to remain busy, and to strengthen prosecution by setting up a separate legal wing to assist them in the pre-trial stage?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIMATI V. RADHIKA SELVI): (a) to (c) (i) The Code of Criminal Procedure (Amendment) Bill, 2006 introduced in the Rajya Sabha on 23rd August, 2006 have following proposals for improving the conviction rate.

(a) A new proviso to section 24(8) of the Code of Criminal Procedure, 1973 is proposed to be inserted to empower the Court to permit the victim to engage an advocate of his own choice to coordinate with the prosecution in consultation with the Central Government or the State Government, as the case may be. (Clause 3 of the Bill)

(b) It is well known that generally witnesses stick to truth at the early stages but may or do change in the course of time. If their statements are recorded by a Magistrate at the earliest opportunity, they are unlikely to turn hostile. Therefore, a new section namely Section 164B Cr. P.C. is proposed to be inserted to provide that any police officer not below the rank of sub-inspector shall, in the course of investigation of any offence punishable with death or imprisonment for ten years or more, produce all persons whose statement appears to him to be material and essential for proper investigation of the case to the nearest Metropolitan Magistrate or Judicial Magistrate, as the case may be, for recording their statements. (Clause 15 of the Bill)

(ii) The Supreme Court *vide* its judgment dated 22.09.2006 in the WP No. 310/1996 filed by Shri Prakash Singh *Vs.* Union of India gave several directions *inter-alia* to States for implementation which also include the following direction. These directions are operative till the new legislation is enacted by the State Governments/UTs:–

"Separating investigating police from law and order police, starting with towns/urban areas having population of ten lakhs or more, and gradually extending to smaller towns/urban areas also."

These directions are to be complied by the States/Union Territories. So far as UTs are concerned, the direction is being implemented in Delhi and Chandigarh. In Puducherry, there is already a separation of law and order from investigation in major Police Stations. In Daman and Diu, the separation is not needed as population is very less.

(iii) A new section (*i.e.*) Section 25A has been inserted in the Code of Criminal Procedure, 1973 through the Code of Criminal Procedure (Amendment) Act, 2005. This relaters to establishment of separate Directorate of Prosecution in the States.